

MICHAEL J. CARROLL, ESQ #502-0
 ERSKINE & TULLEY, A PROFESSIONAL CORPORATION
 220 MONTGOMERY ST., STE 303
 SAN FRANCISCO CA 94104
 415-392-5431 415-392-1978

UNITED STATES DISTRICT COURT
 OF CALIFORNIA

BOARD OF TRUSTEES

CASE NUMBER:

Plaintiff(s):

C 08 1292 VRW

v.
 OMEGA TANK & TRUCK REPAIR

Defendant(s):

**PROOF OF SERVICE
 SUMMONS AND COMPLAINT**

(Use separate proof of service for each person/party served)

1. At the time of service I was at least 18 years of age and not a party to this action and I served copies of the (specify documents):
 a. summons complaint alias summons

first amended complaint
 second amended complaint
 third amended complaint

other (specify): SEE ATTACHMENT

2. Person served:

a. Defendant (name): OMEGA TANK AND TRUCK REPAIR, INC., A CALIFORNIA CORPORATION
 b. Other (specify name and title or relationship to the party/business named):

MICHAEL DARBY, GENERAL MANAGER

c. Address where papers were served:

2286 DEL MONTE STREET, W. SACRAMENTO, CA. 95691

3. Manner of Service in compliance with (the appropriate box must be checked):

a. Federal Rules of Civil Procedure
 b. California Code of Civil Procedure

4. I served the person named in Item 2:

a. By Personal service. By personally delivering copies. If the person is a minor, by leaving copies with a parent, guardian, conservator or similar fiduciary and to the minor if at least twelve (12) years of age.
 1. Papers were served on (date): _____ at (time): _____

b. By Substituted service. By leaving copies:

1. (home) at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household, at least 18 years of age, who was informed of the general nature of the papers.

2. (business) or a person apparently in charge of the office or place of business, at least 18 years of age, who was informed of the general nature of the papers.

3. Papers were served on (date): 5/29/2008 at (time): 11:45AM

4. by mailing (by first-class mail, postage prepaid) copies to the person served in Item 2(b) at the place where the copies were left in Item 2(c).

5. papers were mailed on (date): 06/03/08

6. due diligence. I made at least three (3) attempts to personally serve the defendant.

PP#: 24942

CV-1 (04/01)

PROOF OF SERVICE -SUMMONS AND COMPLAINT

PAGE 1

IS -V- OMEGA TANK & TRUCK REPAIR

- c. **Mail and acknowledgment of service.** By mailing (*by first-class mail or airmail, postage prepaid*) copies to the person served, with two (2) copies of the form of Waiver of Service of Summons and Complaint and a return envelope, postage prepaid addressed to the sender. (**Attach completed Waiver of Service of Summons and Complaint**).
- d. **Service on domestic corporation, unincorporated association (including partnership), or public entity. (F.R.Civ.P. 4(h)) (C.C.P. 416.10)** By delivering, during usual business hours, a copy of the summons and complaint to an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute and the statute so requires, by also mailing, by first-class mail, postage prepaid, a copy to the defendant.
- e. **Substituted service on domestic corporation, unincorporated association (including partnership), or public entity. (C.C.P. 415.20 only)** By leaving during usual office hours, a copy of the summons and complaint in the office of the person served with the person who apparently was in charge and thereafter by mailing (*by first-class mail, postage prepaid*) copies to the persons at the place where the copies were left in full compliance with C.C.P. 415.20. Substitute service upon the California Secretary of State requires a court order. (**Attach a copy of the order to this Proof of Service**).
- f. **Service on a foreign corporation.** In any manner prescribed for individuals by FRCP 4(f).
- g. **Certified or registered mail service.** By mailing to an address outside California (*by first-class mail, postage prepaid, requiring a return receipt*) copies to the person served. (**Attach signed return receipt or other evidence of actual receipt by the person served**).
- h. **Other** (specify code section and type of service):

5. Service upon the **United States, and Its Agencies, Corporations or Officers.**

- a. by delivering a copy of the summons and complaint to the clerical employee designated by the U.S. Attorney authorized to accept service, pursuant to the procedures for the Office of the U.S. Attorney for acceptance of service, or by sending a copy of the summons and complaint by registered or certified mail addressed to the civil process clerk at the U.S. Attorneys Office.

Name of person served:

Title of person served:

Date and time of service: (*date*): _____ at (*time*): _____

- b. By sending a copy of the summons and complaint by registered or certified mail to the Attorney General of the United States at Washington, D.C. (**Attach signed return receipt or other evidence of actual receipt by the person served**).
- c. By sending a copy of the summons and complaint by registered or certified mail to the officer, agency or corporation (**Attach signed return receipt or other evidence of actual receipt by the person served**).

6. At the time of service I was at least 18 years of age and not a party to this action.

7. Person serving (*name, address and telephone number*):


 JENICE ROSSNER
 JIM STACK PROCESS SERVERS
 P.O. BOX 716
 MILLBRAE, CA 94030
 650-589-6663 #21 SAN MATEO CO.

- a. Fee for service: \$ 205.00
- b. Not a registered California process server
- c. Exempt from registration under B&P 22350(b)
- d. Registered California process server

SACRAMENTO CO #98-

8. I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Date: 6/13/2008

JENICE ROSSNER

(Signature)

PP#: 24942

CV-1 (04/01)

PROOF OF SERVICE - SUMMONS AND COMPLAINT

USTEES -V- OMEGA TANK & TRUCK REPAIR PAGE 2

ATTACHMENT

Re: Board of Trustees of the Automotive Industries, et al.
vs. Omega Tank & Truck Repair, Inc., etc.
United States District Court, Action No. C 08 1292 VRW

DOCUMENTS TO BE SERVED:

1. SUMMONS
2. COMPLAINT
3. U.S. DISTRICT COURT NORTHERN CALIFORNIA - ECF
REGISTRATION INFORMATION HANDOUT
4. WELCOME TO THE U.S. DISTRICT COURT
5. ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE
AND ADR DEADLINES
6. ORDER SETTING CASE MANAGEMENT CONFERENCE
7. STANDING ORDER FOR ALL JUDGES OF THE NORTHERN
DISTRICT OF CALIFORNIA/ CONTENTS OF JOINT CASE
MANAGEMENT STATEMENT
8. NOTICE OF AVAILABILITY OF MAGISTRATE JUDGE TO
EXERCISE JURISDICTION
9. NOTICE OF LAWSUIT AND REQUEST FOR WAIVER OF SERVICE
OF SUMMONS
10. WAIVER OF SERVICE OF SUMMONS
11. NOTICE OF LAWSUIT AND REQUEST FOR WAIVER OF SERVICE
OF SUMMONS
12. CONSENT TO PROCEED BEFORE A UNITED STATES
MAGISTRATE JUDGE
13. SUPPLEMENTAL CASE MANAGEMENT STATEMENT AND
PROPOSED ORDER
14. JOINT CASE MANAGEMENT STATEMENT AND PROPOSED
ORDER
15. DISPUTE RESOLUTION PROCEDURES IN THE NORTHERN
DISTRICT OF CALIFORNIA